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Date: JUNE 15, 2005

To: EXAMINER LEUNG, CHRISTINA Y.
U.S. PATENT AND TRADEMARK OFFICE

Fax #: (703) 872-9306

From: FRANK C. NICHOLAS
Phone #: (847) 424-2521

Client/Matter No.: AUS920010728US1 (9000/64)

of Pages: 18

(including cover sheet)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Attorney Docket No	AUS920010728US1 (9000/64)
Application Number	10/007,024
Filing Date	NOVEMBER 5, 2001
First Named Inventor	JOHNNY R. BREZINA
Group Art Unit	2633
Examiner	LEUNG, CHRISTINA Y

ENCLOSURES (check all that apply)

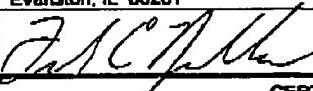
<input checked="" type="checkbox"/> Response to Office Action Dated March 28, 2005 <ul style="list-style-type: none"> <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) 	<input type="checkbox"/> Assignment Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Status Letter	<input type="checkbox"/> Drawings:	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> One-Month Petition for Extension of Time Request (dup)	<input type="checkbox"/> After Allowance Communication to Group	<input type="checkbox"/> Proprietary Information
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<input type="checkbox"/> Supplemental Information Disclosure Statement, PTO-1449, art	<input type="checkbox"/> To Convert a Provisional Application	<input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Replacement Figure Sheet
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/>
	<input checked="" type="checkbox"/> Express Abandonment Under 37 CFR 1.138	<input type="checkbox"/>
	<input type="checkbox"/> Request of Refund	<input type="checkbox"/>
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	Small Entity		Large Entity	
	Rate	Add'l Fee	Rate	Add'l Fee
Total	x \$25=	0	x \$350=	
Indep.	x \$100=	0	x \$200=	
	+ \$180=	—	+ \$980=	
First Presentation of Multiple Dep. Claim	total add'l fee	\$ 0	total add'l fee	\$ 0

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201
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Signature  Date June 15, 2005

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being transmitted via facsimile to (703) 872-9306 to the United States Patent and Trademark Office on this date:

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Signature	FRANK C. NICHOLAS (33,983)	Date: June 15, 2005
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Attorney Docket No.	AU8920010728US1 (9000/64)
Application Number	10/007,024
Filing Date	NOVEMBER 5, 2001
First Named Inventor	JOHNNY R. BREZINA
Group Art Unit	2633
Examiner	LEUNG, CHRISTINA Y.

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Response to Office Action Dated March 29, 2005 <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> One-Month Petition for Extension of Time Request (dup) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Supplemental Information Disclosure Statement, PTO-1448, art <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawings: <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input checked="" type="checkbox"/> Express Abandonment Under 37 CFR 1.138 <input type="checkbox"/> Request of Refund <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed <input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.138(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 09-0447 (IBM Corporation). A duplicate copy of this sheet is enclosed	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
		<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
		<input type="checkbox"/> Proprietary Information
		<input type="checkbox"/> Post Card Receipt
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CALCULATION OF FEE

Claims After Amendment		Highest No. Previously Paid For	Present Extra
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Indep	Minus		0
First Presentation of Multiple Dep. Claim			

Small Entry

Rate	Add'l Fee
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x \$100=	0
+ \$180=	—

total add'l fee \$ 0

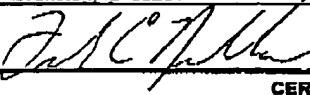
Large Entry

Rate	Add'l Fee
x \$50=	
x \$200=	
+ \$380=	

total add'l fee \$ 0

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Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201
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Signature  Date June 15, 2005

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FRANK C. NICHOLAS (33,983)

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FRANK C. NICHOLAS (33 983)
Name of applicant, assignee or registered representative
Frank C. Nicholas
Signature
June 15, 2005
Date of Signature

PATENT
Case No. AUS920010728US1
(9000/64)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
JOHNNY R. BREZINA, ET AL.) Examiner: LEUNG, CHRISTINA Y.
Serial No.: 10/007,024)
Filed: NOVEMBER 5, 2001) Group Art Unit: 2633
Title: APPARATUS AND METHOD FOR)
CONTROLLING AN OPTICAL TRANSCEIVER)

RESPONSE TO OFFICE ACTION DATED MARCH 29, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22202-1450

Dear Sir:

This is a response to a non-final Office Action dated March 29, 2005.